

it back to the Senate with the recommendation that it do pass and be printed.

KELLEY of Hidalgo, Chairman

Senator Hazlewood submitted the following report:

Austin, Texas,
June 4, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. C. R. No. 75, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HAZLEWOOD, Chairman

Vote on House Joint Resolution 6

Senator McDonald asked unanimous consent of the Senate that he be shown voting "yea" on final passage of C. S. H. J. R. No. 6 and Journal to show same on Thursday, May 31, 1951.

There was no objection offered.

Bills and Resolutions Signed

The President signed, in the presence of the Senate, after the captions had been read the following enrolled bills and resolutions:

S. B. No. 201, A bill to be entitled "An Act to prevent unfair trade practices in the sale of motor vehicles, boats and tractors requiring an written statement to accompany certain sales, providing for the contents of such written statement, defining terms, declaring an emergency and providing damages and penalties, and declaring an emergency."

S. B. No. 240, A bill to be entitled "An Act amending the Motor Fuel Tax Law, the same being Article XVII of Chapter 184, Acts Forty-seventh Legislature, Regular Session, 1941, as amended, by adding a new section thereto to be known as Section 13½, so as to provide that licensed retail dealers in motor fuel shall receive a refund of two per cent (2%) of State taxes imposed on motor fuel sold by them to cover losses from taxes paid on shrinkage, evaporation and other losses and expenses incurred in collecting the tax for the State; to provide for the licensing of retail dealers of motor fuel; to provide a method of compu-

tation and payment of such refund and making an appropriation; containing a savings clause, and providing for an emergency."

S. B. No. 285, A bill to be entitled "An Act to facilitate and encourage the distribution of gas to the inhabitants of cities, towns, villages and rural areas of the State of Texas, etc.; and declaring an emergency."

S. C. R. No. 68, In memory of Clarence K. De Busk.

Adjournment

Senator Hudson moved the Senate stand adjourned until 10:30 o'clock a. m. tomorrow.

Yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—16

Ashley	Lock
Bracewell	Martin
Bullock	McDonald
Carter	Parkhouse
Hardeman	Russell
Hudson	Strauss
Kelly of Tarrant	Vick
Lane	Weinert

Nays—10

Aikin	Kelley of Hidalgo
Bell	Moffett
Corbin	Shofner
Fuller	Tynan
Hazlewood	Wagonseller

Absent

Colson	Phillips
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Absent—Excused

Carney	Nokes
Moore	

Accordingly, the Senate at 10:35 o'clock a. m., adjourned until 10:30 o'clock a. m. tomorrow.

SEVENTY-NINTH DAY

(Tuesday, June 5, 1951)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Carter	Parkhouse
Colson	Phillips
Corbin	Russell
Fuller	Shofner
Hardeman	Strauss
Hazlewood	Tynan
Hudson	Vick
Kelley of Hidalgo	Wagonseller
Kelly of Tarrant	Weinert

Absent—Excused

Nokes

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leave of Absence

Senator Nokes was granted leave of absence for today on account of important business on motion of Senator Martin.

Messages From the Governor

The President laid before the Senate and directed the Secretary to read the following message received from the Governor:

Austin, Texas,
May 31, 1951.

To the Members of the Fifty-second Legislature:

Complying with the request contained in H. C. R. 144, I am returning herewith House Bill No. 737.

Respectfully submitted,
ALLAN SHIVERS,
Governor of Texas.

The following message, received from the Governor, was read and was referred to the Committee on Nominations of the Governor:

Austin, Texas,
June 4, 1951.

To the Senate of the Fifty-second Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be Judge of Criminal District Court No. 3:

A. C. Winborn of Houston, Harris County.

To be Judge of the 125th Judicial District:

W. P. Hamblen, Jr., of Houston, Harris County.

To be District Attorney of Harris County to fill unexpired term of A. C. Winborn:

Sam W. Davis of Houston, Harris County.

To be District Judge of the 135th Judicial District:

Frank W. Martin of Goliad, Goliad County.

To be District Attorney, 24th Judicial District, to fill unexpired term of Frank W. Martin:

Wayne L. Hartman of Cuero, De Witt County.

To be members of the State Board of Embalming for six-year terms to expire May 13, 1957:

Percy Blackburn of Amarillo, Potter County;

Norman Bratcher of Denison, Grayson County.

To be a member of the State Board of Embalming to fill unexpired term of Porter Loring, resigned, term to expire May 13, 1953:

Thomas E. Schier of Houston, Harris County.

Respectfully submitted,
ALLAN SHIVERS,
Governor of Texas.

Senate Bill 473 on Second Reading

On motion of Senator Kelley of Hidalgo, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 473, A bill to be entitled "An Act amending Chapter 111, Acts 1933, 43rd Legislature, first Called Session, by adding a new section permitting Navigation Districts which heretofore, or which may hereafter, adopt plans for the construction of a grain elevator to place management of said elevator in a board of trustees, etc., and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 473 on Third Reading

Senator Kelley of Hidalgo moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 473 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Carter	Phillips
Colson	Russell
Corbin	Shofner
Fuller	Strauss
Hazlewood	Tynan
Hudson	Vick
Kelley of Hidalgo	Wagonseller
Kelly of Tarrant	

Nays—1

Hardeman

Absent

Parkhouse Weinert

Absent—Excused

Nokes

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25

Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Carney	Parkhouse
Carter	Phillips
Colson	Russell
Corbin	Shofner
Fuller	Strauss
Hazlewood	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Wagonseller
Lock	

Nays—4

Aikin	Hudson
Hardeman	Lane

Absent

Weinert

Absent—Excused

Nokes

Message From the House

Hall of the House of Representatives,
Austin, Texas,
June 5, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 163, Declaring the intent of the Fifty-second Legislature that Section 34, Article 5, House Bill No. 426, shall not be applicable to passenger vehicles of higher educational institutions which are required in the fulfillment of national defense research contracts for the Federal Government or the Armed Services of the United States.

H. B. No. 822, A bill to be entitled "An Act authorizing incorporated cities and towns which own the portion of an international toll bridge over the Rio Grande River which is situated within the United States to issue bonds payable from the net revenues derived from the operation of the bridge for the purpose of repairing or improving the bridge, acquiring approaches thereto, and constructing buildings to be used in connection therewith, or for any of such purposes; providing the method for the issuance of such bonds; providing that where there are outstanding revenue bonds payable from the net revenues derived from the operation of such bridge, additional revenue bonds may be issued under certain conditions; providing a savings clause; and declaring an emergency."

H. B. No. 823, A bill to be entitled "An Act amending Article III of House Bill No. 426, Acts of the 52nd Legislature, 1951, item 40 of the appropriation to the Texas Liquor Control Board, so as to supplement and increase the appropriation in said item 40 for the payment of salaries of deputy supervisors during each year of the biennium ending August 31, 1953; and declaring an emergency."

H. B. No. 824, A bill to be entitled "An Act regulating the taking of minnows in Wilbarger County; providing that nothing in this Act shall prohibit the transportation for personal use of two hundred (200) minnows or less from Wilbarger County to another county; and providing that nothing shall prohibit transportation of minnows from Wilbarger County to another county when said minnows have been raised in a minnow hatchery in this State; defining a minnow hatchery in this State; defining a minnow hatchery; providing a penalty; and declaring an emergency."

H. B. No. 666, A bill to be entitled "An Act providing for a Marketing News Service for farmers and other interested parties; providing for two (2) Market News Service Stations to be located where service of such can be utilized to a greater advantage for farmers and others; placing the administration of this Act under supervision of the State Agriculture Commissioner; providing for fulfillment of an agreement with the United States Department of Agriculture; making an appropriation; and declaring an emergency."

(With engrossed rider)

S. B. No. 469, A bill to be entitled "An Act authorizing the Texas State Parks Board to transfer and convey certain land in Palo Pinto County to the City of Mineral Wells; and declaring an emergency."

The House has granted the request of the Senate for the appointment of a Conference Committee on Senate Bill No. 286. The following have been appointed on the part of the House: Bradshaw, Etheredge, Woodruff, Taylor, Bryan.

Pursuant to S. C. R. No. 74 the House is returning H. B. No. 808 to the Senate.

Respectfully submitted,
CLARENCE JONES,
Chief Clerk, House of Representatives.

Motion To Place Senate Bill 470 on Final Passage

Senator Moffett asked unanimous consent to suspend the regular order of business and that S. B. No. 470 be laid out for consideration at this time.

There was objection.

Senator Moffett then moved to suspend the regular order of business and that S. B. No. 470 be laid out for consideration at this time.

The motion was lost by the following vote (not receiving two-thirds vote of the members present):

Yeas—17

Aikin	Hazlewood
Bell	Kelley of Hidalgo
Bracewell	McDonald
Bullock	Moffett
Carney	Russell
Carter	Shofner
Colson	Strauss
Corbin	Wagonseller
Fuller	

Nays—12

Ashley	Martin
Hardeman	Moore
Hudson	Phillips
Kelly of Tarrant	Tynan
Lane	Vick
Lock	Weinert

Absent

Parkhouse

Absent—Excused

Nokes

House Bill 121 on Second Reading

On motion of Senator Hazlewood, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 121, A bill to be entitled "An Act amending Chapter 8, Article 149 of the Revised Civil Statutes of Texas, 1925, as amended, by adding a new article to be designated Article 149j, and declaring an emergency."

The bill was read second time.

Senator Hazlewood offered the following committee amendment to the bill:

Amend House Bill 121 by striking out all below the enacting clause and inserting in lieu thereof the following:

"Section 1. The Board of Directors of the Agricultural and Mechanical College of Texas is hereby authorized to make scientific investigations and experiments in the study of agricultural problems applicable to the High

Plains Region of the State of Texas, with particular emphasis on the study of upbuilding the land, improving production, control and eradication of bindweed and all types of noxious weeds, eradication of aphids or green bugs, and determining the types of agricultural products most suitable for the region.

"Section 2. The Board of Directors of the Agricultural and Mechanical College of Texas, is hereby authorized and empowered to select suitable headquarters for this work in the irrigated High Plains Region of Texas, which grows wheat and cotton as major crops. The said Board of Directors is authorized to accept donations of land, money, office space, or anything considered by them to be of value in the prosecution of their aforesaid studies and investigations.

"Section 3. The Agricultural Experiment Station hereby provided for shall be under the general direction of the Agricultural and Mechanical College of Texas, and shall be operated and conducted by the Director of the Experiment Station or other officials of the A. and M. System as they may direct; said experimental work to be designated and known as the 'Holt Experimental Project' in appreciation of legislation services rendered by Representative I. B. Holt.

"Section 4. The fact that the High Plains Region of Texas has large areas of irrigated land which are not being properly farmed, and which are not being devoted to the growing of the types of agricultural products best adapted to the preservation of such land, and the fact that bindweed and other noxious weeds are rapidly spreading in this region, all of which will result in loss of production and depreciation in the value of farm land, and the further fact that there is in the High Plains Region of Texas no activity devoted to the study of means of rebuilding and conserving such areas of this State, and the fact that there is no law available for the accomplishment of such purposes create an emergency and an imperative public necessity demanding that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and this Act shall take effect and be in force from and after the passage thereof, and it is so enacted."

The amendment was adopted.

On motion of Senator Hazlewood and by unanimous consent, the caption was amended to conform to the body of the bill, as amended.

The bill, as amended, was passed to third reading.

House Bill 121 on Third Reading

Senator Hazlewood moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. 121 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Lane
Bell	Martin
Bullock	McDonald
Carney	Moffett
Carter	Moore
Colson	Parkhouse
Corbin	Phillips
Fuller	Russell
Hardeman	Shofner
Hazlewood	Strauss
Hudson	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Wagonseller

Nays—1

Lock

Absent

Ashley	Weinert
Bracewell	

Absent—Excused

Nokes

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—24

Aikin	Kelly of Tarrant
Bell	Lane
Bullock	Martin
Carney	McDonald
Carter	Moffett
Colson	Parkhouse
Corbin	Phillips
Fuller	Russell
Hardeman	Shofner
Hazlewood	Strauss
Hudson	Tynan
Kelley of Hidalgo	Wagonseller

Nays—1

Lock

Absent

Ashley Vick
 Bracewell Weinert
 Moore

Absent—Excused

Nokes

**Committee Appointed To Make
 Arrangements for Joint Session To
 Hear General Douglas MacArthur**

Pursuant to the provisions of S. C. R. No. 69, the President announced the appointment of the following committee to make arrangements for the Joint Session to hear General Douglas MacArthur: Senators Bell, Phillips, Ashley, Kelly of Tarrant, and Bracewell.

**Senate Concurrent Resolution 72 on
 Second Reading**

On motion of Senator Fuller, and by unanimous consent, the President laid before the Senate for consideration at this time the following resolution:

S. C. R. No. 72, Granting H. H. Hodges and Edna N. Hodges of Port Neches, Jefferson County, Texas, permission to sue the State.

The resolution was read second time and was adopted.

**Senate Concurrent Resolution 75 on
 Second Reading**

On motion of Senator Fuller, and by unanimous consent, the President laid before the Senate for consideration at this time the following resolution:

S. C. R. No. 75, Granting Callie Maise and J. P. Ahysen of Port Arthur, Jefferson County, permission to sue the State.

The resolution was read second time and was adopted.

Senate Resolution 300

Senator Phillips offered the following resolution:

Whereas, We are honored today to have in the gallery Boy Scout Troop 34 of Dickinson, Scoutmaster H. E. Rudloff and Assistant Scoutmaster William Burns; and

Whereas, These guests are on an educational tour of the Capitol Build-

ing and the Capital City; now, therefore, be it

Resolved, That these individuals be officially welcomed and recognized by the Senate, and that they be extended the courtesies of the floor for the day, and that each member of this troop be furnished with a copy of this resolution.

The resolution was read and was adopted.

Senate Resolution 301

Senator Bracewell offered the following resolution:

Whereas, We are honored today to have in the gallery twenty-nine boys from Houston, Harris County, Texas, en route to Camp Stewart with their leader G. H. Stanbaugh; and

Whereas, These students and guest are on an educational tour of the Capitol Building and the Capital City; now, therefore, be it

Resolved, That these individuals be officially welcomed and recognized by the Senate, and that they be extended the courtesies of the floor for the day.

The resolution was read and was adopted.

Senate Resolution 302

Senator Parkhouse offered the following resolution:

Whereas, We are honored today to have in the Senate, Miss Judy Webb, Miss Sybil Wyche, and Miss Nita Fraser of Dallas, Texas; and

Whereas, These young ladies are on an educational tour of the Capitol Building and the Capital City; now, therefore, be it

Resolved, That Miss Judy Webb, Miss Sybil Wyche, and Miss Nita Fraser be officially welcomed and recognized by the Senate, and that they be extended the courtesies of the floor for the day.

The resolution was read and was adopted.

Senate Bill 36 on Second Reading

The President laid before the Senate S. B. No. 36 as unfinished business on its second reading and passage to engrossment (the bill having been read the second time on Monday, May 7, 1951, with an amendment by Senator Kelley of Hidalgo

and a motion to table the amendment by Senator Parkhouse pending).

Question—Shall the amendment by Senator Kelley of Hidalgo be tabled?

The motion to table was lost by the following vote:

Yeas—12

Aikin	Moffett
Bracewell	Parkhouse
Bullock	Phillips
Carter	Russell
Corbin	Vick
McDonald	Wagonseller

Nays—17

Ashley	Lane
Carney	Lock
Colson	Martin
Fuller	Moore
Hardeman	Shofner
Hazlewood	Strauss
Hudson	Tynan
Kelley of Hidalgo	Weinert
Kelly of Tarrant	

Absent

Bell

Absent—Excused

Nokes

Question recurring on the amendment, it was adopted by the following vote:

Yeas—15

Ashley	Lane
Carney	Lock
Colson	Martin
Fuller	Moore
Hazlewood	Shofner
Hudson	Strauss
Kelley of Hidalgo	Tynan
Kelly of Tarrant	

Nays—12

Aikin	Hardeman
Bell	McDonald
Bracewell	Parkhouse
Bullock	Russell
Carter	Vick
Corbin	Wagonseller

Absent

Moffett	Weinert
Phillips	

Absent—Excused

Nokes

Senator Martin offered the following amendment to the bill:

Amend S. B. No. 36, printed copy, by adding a new section to read as follows:

"It is provided, however, that this Act shall not apply except during the hours from 8:00 a. m. to 6:00 p. m. each day, and shall never apply to the night hours."

Senator Parkhouse moved to table the amendment.

The motion to table was lost by the following vote:

Yeas—12

Aikin	Parkhouse
Bracewell	Phillips
Bullock	Russell
Corbin	Shofner
Hazlewood	Strauss
McDonald	Wagonseller

Nays—16

Ashley	Kelly of Tarrant
Bell	Lane
Carter	Lock
Colson	Martin
Fuller	Moffett
Hardeman	Moore
Hudson	Tynan
Kelley of Hidalgo	Vick

Absent

Carney	Weinert
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Absent—Excused

Nokes

Question recurring on the amendment, it was adopted.

Senator Martin offered the following amendment to the bill:

Amend S. B. No. 36 by striking out the second sentence in Section 3 and by substituting in lieu thereof the following: "The provisions of this Act shall not apply to any person who posts or displays a sign advising the public that the owner's dog is dangerous."

The amendment was adopted.

Senator Carter offered the following amendment to the bill:

Amend S. B. No. 36 by adding after the word "sustained" in the first sentence of Section 1, the following in lieu of the remaining part of said first sentence: "Provided, however, that the terms of this Act shall not apply to any person baiting, teasing,

or abusing a dog or to any person who enters upon the premises of a dog owner when he knows or has reason to know that there is on the owner's premises a vicious dog or a dog who has previously exhibited propensities of viciousness."

The amendment was adopted.

On motion of Senator Parkhouse, and by unanimous consent, the caption was amended to conform to the body of the bill, as amended.

The bill, as amended, was passed to engrossment.

Motion To Place Senate Bill 36 on Second Reading

Senator Parkhouse moved to suspend the constitutional rule requiring bills to be read on three several days and that S. B. No. 36 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving four-fifths vote of the members present):

Yeas—23

Aikin	McDonald
Bell	Moore
Bracewell	Parkhouse
Bullock	Phillips
Carter	Russell
Colson	Shofner
Corbin	Strauss
Fuller	Tynan
Hardeman	Vick
Hazlewood	Wagonseller
Kelly of Tarrant	Weinert
Lock	

Nays—6

Ashley	Kelley of Hidalgo
Carney	Lane
Hudson	Martin

Absent

Moffett

Absent—Excused

Nokes

Vote Reconsidered on Senate Bill 400

Senator Carney asked unanimous consent to reconsider the vote by which S. B. No. 400 was finally passed.

There was no objection offered.

The President laid S. B. No. 400 before the Senate on its third reading and final passage.

The bill was read third time.

Senator Carney offered the following amendment to the bill:

Amend Senate Bill No. 400 by striking out the words and figures "twenty-six thousand, seven hundred (26,700)" wherever they appear and inserting in lieu thereof the following: "twenty-six thousand, seven hundred and fifty (26,750), according to the last Federal census, 1950."

The amendment was adopted by the following vote:

Yeas—29

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Carter	Parkhouse
Colson	Phillips
Corbin	Russell
Fuller	Shofner
Hardeman	Strauss
Hazlewood	Tynan
Hudson	Vick
Kelley of Hidalgo	Wagonseller
Kelly of Tarrant	

Absent

Weinert

Absent—Excused

Nokes

The bill, as amended, was again passed.

House Bill 219 on Second Reading

Senator Shofner moved to suspend the regular order of business and that H. B. No. 219 be laid out for consideration at this time.

The motion prevailed by the following vote:

Yeas—20

Bell	Kelly of Tarrant
Bracewell	Lane
Bullock	Moffett
Carney	Moore
Carter	Parkhouse
Corbin	Phillips
Fuller	Shofner
Hazlewood	Strauss
Hudson	Tynan
Kelley of Hidalgo	Vick

Nays—9

Aikin	Ashley
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Colson	McDonald
Hardeman	Russell
Lock	Wagonseller
Martin	

Absent

Weinert

Absent—Excused

Nokes

The President laid before the Senate on its second reading and passage to third reading the following bill:

H. B. No. 219, A bill to be entitled "An Act providing for drivers responsibility; and declaring an emergency."

The bill was read second time.

Senator Shofner offered the following committee amendment to the bill:

COMMITTEE AMENDMENT No. 1

Amend H. B. No. 219 by striking out all below the enacting clause and substituting in lieu thereof the following:

ARTICLE I

WORDS AND PHRASES DEFINED

Section 1. Definitions.

The following words and phrases, when used in this Act, shall, for the purposes of this Act, have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:

1. "Highway" means the entire width between property lines of any road, street, way, thoroughfare, or bridge in the State of Texas not privately owned or controlled, when any part thereof is open to the public for vehicular traffic and over which the State has legislative jurisdiction under its police power.

2. "Judgment" — Any judgment which shall have become final by expiration without appeal of the time within which an appeal might have been perfected, or by final affirmation on appeal, rendered by a court of competent jurisdiction of any state or of the United States, upon a cause of action arising out of the ownership, maintenance or use of any motor vehicle, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, or upon a cause of action on an

agreement of settlement for such damages.

3. "Motor Vehicle" — Every self-propelled vehicle which is designed for use upon a highway, including trailers and semi-trailers designed for use with such vehicles (except traction engines, road rollers and graders, tractor cranes, power shovels, well drillers and implements of husbandry) and every vehicle which is propelled by electric power obtained from overhead wires but not operated upon rails.

4. "License" — Any driver's, operator's, commercial operator's, or chauffeur's license, temporary instruction permit or temporary license, or restricted license, issued under Article 6687b, Texas Revised Civil Statutes, pertaining to the licensing of persons to operate motor vehicles.

5. "Non-resident" — Every person who is not a resident of the State of Texas.

6. "Non-resident's Operating Privilege" — The privilege conferred upon a non-resident by the laws of Texas pertaining to the operation by him of a motor vehicle, or the use of a motor vehicle owned by him, in the State of Texas.

7. "Operator" — Every person who is in actual physical control of a motor vehicle.

8. "Owner" — A person who holds the legal title of a motor vehicle, or in the event a motor vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purposes of this Act.

9. "Person" — Every natural person, firm, co-partnership, association or corporation.

10. "Proof of Financial Responsibility" — Proof of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of said proof, arising out of the ownership, maintenance or use of a motor vehicle, in the amount of \$5,000 because of bodily injury to or death of one person in any one accident, and, subject to said limit for one person, in the amount of \$10,000 because of bodily injury to or death of two or more persons in any

one accident, and in the amount of \$5,000 because of injury to or destruction of property of others in any one accident.

11. "Registration" — Registration or license certificate or license receipt or dealer's license and registration or number plates issued under Article 6675a or Article 6686, Texas Revised Civil Statutes, pertaining to the registration of motor vehicles.

12. "Department" means the Department of Public Safety of the State of Texas, acting directly or through its authorized officers and agents, except in such sections of this Act in which some other State Department is specifically named.

13. "State" — Any state, territory or possession of the United States, the District of Columbia, or any province of the Dominion of Canada.

ARTICLE II

ADMINISTRATION OF ACT

Section 2. Department to Administer Act—Appeal to Court.

(a) The Department shall administer and enforce the provisions of this Act and may make rules and regulations necessary for its administration, and shall provide for hearings upon request of persons aggrieved by orders or acts of the Department under the provisions of this Act.

(b) Any order or act of the Department, under the provisions of this Act, may be subject to review, within 10 days after notice thereof, by appeal to the County Court at Law at the instance of any party in interest and in the county wherein the person aggrieved by such order or act resides, or if there be no County Court at Law therein, then in the County Court of said county, and such court is hereby vested with jurisdiction. The court shall determine whether the filing of the appeal shall operate as a stay of any such order or decision of the Department. The court may, in disposing of the issue before it, modify, affirm, or reverse the order or decision of the Department in whole or in part.

Section 3. Department to Furnish Operating Record.

The Department shall, upon request and receipt of proper fees, furnish any person a certified abstract of the operating record of any person subject to the provisions of this Act, which abstract shall also fully designate the motor vehicles, if any, registered in the name of such person,

and, if there shall be no record of any conviction of such person of violating any law relating to the operation of a motor vehicle or of any injury or damage caused by such person, the Department shall so certify.

ARTICLE III

SECURITY FOLLOWING ACCIDENT

Section 4. Report Required Following Accident.

The operator of every motor vehicle which is in any manner involved in an accident within this State, in which any person is killed or injured or in which damage to the property of any one person, including himself, in excess of \$100 is sustained, shall within 10 days after such accident report the matter in writing to the Department. Such report, the form of which shall be prescribed by the Department, shall contain information to enable the Department to determine whether the requirements for the deposit of security under Section 5 are inapplicable by reason of the existence of insurance or other exceptions specified in this Act. The Department may rely upon the accuracy of the information unless and until it has reason to believe that the information is erroneous. If such operator be physically incapable of making such report, the owner of the motor vehicle involved in such accident shall, within 10 days after learning of the accident, make such report. The operator or the owner shall furnish such additional relevant information as the Department shall require.

Section 5. Security Required Unless Evidence of Insurance—When Security Determined—Suspension—Exceptions.

(a) If 20 days after the receipt of a report of a motor vehicle accident within this State which has resulted in bodily injury or death, or damage to the property of any one person in excess of \$100, the Department does not have on file evidence satisfactory to it that the person who would otherwise be required to file security under Subsection (b) of this Section has been released from liability, or has been finally adjudicated not to be liable, or has executed a duly acknowledged written agreement providing for the payment of an agreed amount in installments with respect to all claims for injuries or damages resulting from the accident, the Department shall determine the amount of security which shall be sufficient in

its judgment to satisfy any judgment or judgments for damages resulting from such accident as may be recovered against each operator or owner.

(b) The Department shall, within 60 days after the receipt of such report of a motor vehicle accident, suspend the license of each operator and all registrations of each owner of a motor vehicle in any manner involved in such accident, and if such operator is a non-resident the privilege of operating a motor vehicle within this State, and if such owner is a non-resident the privilege of the use within this State of any motor vehicle owned by him, unless such operator or owner or both shall deposit security in the sum so determined by the Department; provided notice of such suspension shall be sent by the Department to such operator and owner not less than 10 days prior to the effective date of such suspension and shall state the amount required as security. Where erroneous information is given the Department with respect to the matters set forth in Subdivisions 1, 2 or 3 of Subsection (c) of this Section, it shall take appropriate action as hereinbefore provided, within 60 days after receipt by it of correct information with respect to said matters.

(c) This Section shall not apply under the conditions stated in Section 6 nor:

1. to such operator or owner if such owner had in effect at the time of such accident a motor vehicle liability policy with respect to the motor vehicle involved in such accident;

2. to such operator, if not the owner of such motor vehicle, if there was in effect at the time of such accident a motor vehicle liability policy with respect to his operation of motor vehicles not owned by him;

3. to such operator or owner if the liability of such operator or owner for damages resulting from such accident is, in the judgment of the Department, covered by any other form of liability insurance policy; nor

4. to any person qualifying as a self-insurer under Section 34 of this Act, or to any person operating a motor vehicle for such self-insurer.

No such policy shall be effective under this Section unless issued by an insurance company or surety company authorized to write motor vehicle liability insurance in this State, except that if such motor vehicle was not registered in this State, or was a motor vehicle which was registered

elsewhere than in this State at the effective date of the policy, or the most recent renewal thereof, such policy shall not be effective under this Section unless the insurance company or surety company if not authorized to do business in this State shall execute a power of attorney authorizing the Department to accept service on its behalf of notice or process in any action upon such policy arising out of such accident; providing, however, every such policy is subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than \$5,000 because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, to a limit of not less than \$10,000 because of bodily injury to or death of two or more persons in any one accident, and, if the accident has resulted in injury to or destruction of property, to a limit of not less than \$5,000 because of injury to or destruction of property of others in any one accident.

Section 6. Further Exceptions to Requirement of Security.

The requirements as to security and suspension in Section 5 shall not apply:

1. to the operator or the owner of a motor vehicle involved in an accident wherein no injury or damage was caused to the person or property of any one other than such operator or owner;

2. to the operator or the owner of a motor vehicle legally parked at the time of the accident;

3. to the owner of a motor vehicle if at the time of the accident the vehicle was being operated without his permission, express or implied, or was parked by a person who had been operating such motor vehicle without such permission; nor

4. if, prior to the date that the Department would otherwise suspend license and registration or non-resident's operating privilege under Section 5, there shall be filed with the Department evidence satisfactory to it that the person who would otherwise have to file security has been released from liability or been finally adjudicated not to be liable or has executed a duly acknowledged written agreement providing for the payment of an agreed amount in installments, with respect to all claims for injuries or damages resulting from the accident.

Section 7. Duration of Suspension.

The license and registration and non-resident's operating privilege suspended as provided in Section 5 shall remain so suspended and shall not be renewed nor shall any such license or registration be issued to such person until:

1. such person shall deposit or there shall be deposited on his behalf the security required under Section 5; or

2. one year shall have elapsed following the date of such accident and evidence satisfactory to the Department has been filed with it that during such period no action for damages arising out of the accident has been instituted; or

3. evidence satisfactory to the Department has been filed with it of a release from liability, or a final adjudication of nonliability, or a duly acknowledged written agreement, in accordance with Subdivision 4 of Section 6; provided, however, in the event there shall be any default in the payment of any installment under any duly acknowledged written agreement, then, upon notice of such default, the Department shall forthwith suspend the license and registration or non-resident's operating privilege of such person defaulting which shall not be restored unless and until

(1) such person deposits and thereafter maintains security as required under Section 5 in such amount as the Department may then determine; or

(2) one year shall have elapsed following the date when such security was required and during such period no action upon such agreement has been instituted in a court in this State.

Section 8. Application to Non-Residents, Unlicensed Drivers, Unregistered Motor Vehicles and Accidents in Other States.

(a) In case the operator or the owner of a motor vehicle involved in an accident within this State has no license or registration, or is a non-resident, he shall not be allowed a license or registration until he has complied with the requirements of this Article to the same extent that would be necessary if, at the time of the accident, he had held a license and registration.

(b) When a non-resident's operating privilege is suspended pursuant to Section 5 or Section 7, the Department shall transmit a certified copy of the record of such action to the official in charge of the issuance of licenses and registration certificates

in the state in which such non-resident resides, if the law of such other state provides for action in relation thereto similar to that provided for in Subsection (c) of this Section.

(c) Upon receipt of such certification that the operating privilege of a resident of this State has been suspended or revoked in any such other state pursuant to a law providing for its suspension or revocation for failure to deposit security for the payment of judgments arising out of a motor vehicle accident, under circumstances which would require the Department to suspend a non-resident's operating privilege had the accident occurred in this State, the Department shall suspend the license of such resident if he was the operator, and all of his registrations if he was the owner of a motor vehicle involved in such accident. Such suspension shall continue until such resident furnishes evidence of his compliance with the law of such other state relating to the deposit of such security.

Section 9. Form and Amount of Security.

The security required under this Article shall be in such form and in such amount as the Department may require but in no case in excess of the limits specified in Section 5 in reference to the acceptable limits of a policy. The person depositing security shall specify in writing the person or persons on whose behalf the deposit is made and, at any time while such deposit is in the custody of the Department or the State Treasurer of the State of Texas, the person depositing it may, in writing, amend the specification of the person or persons on whose behalf the deposit is made to include an additional person or persons; provided, however, that a single deposit of security shall be applicable only on behalf of persons required to furnish security because of the same accident.

The Department may reduce the amount of security ordered in any case within 6 months after the date of the accident if, in its judgment, the amount ordered is excessive. In case the security originally ordered has been deposited the excess deposited over the reduced amount ordered shall be returned to the depositor or his personal representative forthwith, notwithstanding the provisions of Section 10.

Section 10. Custody, Disposition and Return of Security.

Security deposited in compliance with the requirements of this Article shall be placed by the Department in the custody of the State Treasurer and shall be applicable only to the payment of a judgment or judgments rendered against the person or persons on whose behalf the deposit was made, for damages arising out of the accident in question in an action at law, begun not later than one year after the date of such accident, or within one year after the date of deposit of any security under Subdivision 3 of Section 7, or to the payment in settlement, agreed to by the depositor, of a claim or claims arising out of such accident. Such deposit or any balance thereof shall be returned to the depositor or his personal representative when evidence satisfactory to the Department has been filed with it that there has been a release from liability, or a final adjudication of non-liability, or a duly acknowledged agreement, in accordance with Subdivision 4 of Section 6, or whenever, after the expiration of one year (1) from the date of the accident, or (2) from the date of deposit of any security under Subdivision 3 of Section 7, the Department shall be given reasonable evidence that there is no such action pending and no judgment rendered in such action left unpaid.

Section 11. Matters Not To Be Evidence in Civil Suits.

Neither the report required by Section 4, the action taken by the Department pursuant to this Article, the findings, if any, of the Department upon which such action is based, nor the security filed as provided in this Article shall be referred to in any way, nor be any evidence of the negligence or due care of either party, at the trial of any action at law to recover damages.

ARTICLE IV

PROOF OF FINANCIAL RESPONSIBILITY FOR THE FUTURE

Section 12. Courts To Report Non-payment of Judgments and Convictions.

(a) Whenever any person fails within 60 days to satisfy any judgment, upon the written request of the judgment creditor or his attorney it shall be the duty of the clerk of the court, or of the judge of a court which has no clerk, in which any such judgment is rendered within this

State, to forward to the Department immediately after the expiration of said 60 days, a certified copy of such judgment.

(b) If the defendant named in any certified copy of a judgment reported to the Department is a non-resident, the Department shall transmit a certified copy of the judgment to the official in charge of the issuance of licenses and registration certificates of the state of which the defendant is a resident.

(c) The clerk of the court, or the judge of a court which has no clerk, in which any conviction for violation of a motor vehicle law is rendered, or in which a person charged with violation of a motor vehicle law has pleaded guilty or forfeited bail, shall forward immediately to the Department a certified copy of the judgment, order or record of other action of the court. This copy shall be prima facie evidence of the conviction, plea or other action stated.

Section 13. Suspension for Non-Payment of Judgments—Exceptions.

(a) Upon the receipt of a certified copy of a judgment, the Department shall forthwith suspend the license and registration and any non-resident's operating privilege of any person against whom such judgment was rendered, except as hereinafter otherwise provided in this Section and in Section 16 of this Act.

(b) If the judgment creditor consents in writing, in such form as the Department may prescribe, that the judgment debtor be allowed license and registration or non-resident's operating privilege, the same may be allowed by the Department, in its discretion, for 6 months from the date of such consent and thereafter until such consent is revoked in writing, notwithstanding default in the payment of such judgment, or of any installments thereof prescribed in Section 16, provided the judgment debtor furnishes proof of financial responsibility.

Section 14. Suspension to Continue Until Judgments Paid and Proof Given.

(a) Such license, registration and non-resident's operating privilege shall remain so suspended and shall not be renewed, nor shall any such license or registration be thereafter issued in the name of such person, including any such person not previously licensed, unless and until every such judgment is stayed, satisfied in full or to the extent hereinafter pro-

vided and until the said person gives proof of financial responsibility subject to the exemptions stated in Sections 13 and 16 of this Act.

(b) A discharge in bankruptcy following the rendering of any such judgment shall not relieve the judgment debtor from any of the requirements of this Article.

Section 15. Payments Sufficient to Satisfy Requirements.

Judgments herein referred to shall, for the purpose of this Act only, be deemed satisfied:

1. when \$5,000 has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one person as the result of any one accident; or

2. when, subject to such limit of \$5,000 because of bodily injury to or death of one person, the sum of \$10,000 has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of two or more persons as the result of any one accident; or

3. when \$5,000 has been credited upon any judgment or judgments rendered in excess of that amount because of injury to or destruction of property of others as a result of any one accident;

Provided, however, payments made in settlement of any claims because of bodily injury, death or property damage arising from a motor vehicle accident shall be credited in reduction of the amounts provided for in this Section.

Section 16. Installment Payment of Judgments—Default.

(a) A judgment debtor upon due notice to the judgment creditor may apply to the court in which such judgment was rendered for the privilege of paying such judgment in installments and the court, in its discretion and without prejudice to any other legal remedies which the judgment creditor may have, may so order and fix the amounts and times of payment of the installments.

(b) The Department shall not suspend a license, registration or a non-resident's operating privilege, and shall restore any license, registration or non-resident's operating privilege suspended following non-payment of a judgment, when the judgment debtor gives proof of financial responsibility and obtains such an order permitting the payment of such judgment

in installments, and while the payment of any said installment is not in default.

(c) In the event the judgment debtor fails to pay any installment as specified by such order, then upon notice of such default, the Department shall forthwith suspend the license, registration or non-resident's operating privilege of the judgment debtor until such judgment is satisfied, as provided in this Act.

Section 17. Proof Required Upon Certain Convictions.

(a) Whenever the Department, under any law of this State, suspends or revokes the license of any person upon receiving record of a conviction or a forfeiture of bail, the Department shall also suspend the registration for all motor vehicles registered in the name of such person, except that the Department shall not suspend such registration, unless otherwise required by law, if such person has previously given or shall immediately give and thereafter maintain proof of financial responsibility with respect to all motor vehicles registered by such person.

(b) Such license and registration shall remain suspended or revoked and shall not at any time thereafter be renewed nor shall any license be thereafter issued to such person, nor shall any motor vehicle be thereafter registered in the name of such person until permitted under the Motor Vehicle Laws of this State and not then unless and until he shall give and thereafter maintain proof of financial responsibility.

(c) If a person is not licensed, but by final order or judgment is convicted of or forfeits any bail or collateral deposited to secure an appearance for trial for any offense requiring the suspension or revocation of license, or for operating a motor vehicle upon the highways without being licensed to do so, or for operating an unregistered motor vehicle upon the highways, no license shall thereafter be issued to such person and no motor vehicle shall continue to be registered or thereafter be registered in the name of such person until he shall give and thereafter maintain proof of financial responsibility.

(d) Whenever the Department suspends or revokes a non-resident's operating privilege by reason of a conviction or forfeiture of bail, such privilege shall remain so suspended or revoked unless such person shall

have previously given or shall immediately give and thereafter maintain proof of financial responsibility.

Section 18. Alternate Methods of Giving Proof.

Proof of financial responsibility when required under this Act with respect to a motor vehicle or with respect to a person who is not the owner of a motor vehicle may be given by filing:

1. a certificate of insurance as provided in Section 19 or Section 20; or
2. a bond as provided in Section 24; or
3. a certificate of deposit of money or securities as provided in Section 25; or
4. a certificate of self-insurance, as provided in Section 34, supplemented by an agreement by the self-insurer that, with respect to accidents occurring while the certificate is in force, he will pay the same judgments and in the same amounts that an insurer would have been obligated to pay under an owner's motor vehicle liability policy if it had issued such a policy to said self-insurer.

No motor vehicle shall be or continue to be registered in the name of any person required to file proof of financial responsibility unless such proof shall be furnished for such motor vehicle.

Section 19. Certificate of Insurance as Proof.

(a) Proof of financial responsibility may be furnished by filing with the Department the written certificate of any insurance company duly authorized to write motor vehicle liability insurance in this State certifying that there is in effect a motor vehicle liability policy for the benefit of the person required to furnish proof of financial responsibility. Such certificate shall give the effective date of such motor vehicle liability policy, which date shall be the same as the effective date of the certificate, and shall designate by explicit description or by appropriate reference all motor vehicles covered thereby, unless the policy is issued to a person who is not the owner of a motor vehicle.

(b) No motor vehicle shall be or continue to be registered in the name of any person required to file proof of financial responsibility unless such motor vehicle is so designated in such a certificate.

Section 20. Certificate Furnished by Non-resident as Proof.

(a) The non-resident owner of a motor vehicle not registered in this

State may give proof of financial responsibility by filing with the Department a written certificate or certificates of an insurance company authorized to transact business in the state in which the motor vehicle or motor vehicles described in such certificate are registered, or if such non-resident does not own a motor vehicle, then in the state in which the insured resides, provided such certificate otherwise conforms to the provisions of this Act, and the Department shall accept the same upon condition that said insurance company complies with the following provisions with respect to the policies so certified:

1. Said insurance company shall execute a power of attorney authorizing the Department to accept service on its behalf of notice or process in any action arising out of a motor vehicle accident in this State;

2. Said insurance company shall agree in writing that such policies shall be deemed to conform with the laws of this State relating to the terms of motor vehicle liability policies issued herein.

(b) If any insurance company not authorized to transact business in this State, which has qualified to furnish proof of financial responsibility, defaults in any said undertakings or agreements, the Department shall not thereafter accept as proof any certificate of said company whether theretofore filed or thereafter tendered as proof, so long as such default continues.

Section 21. Motor Vehicle Liability Policy Defined.

(a) A "motor vehicle liability policy" as said term is used in this Act shall mean an owner's or an operator's policy of liability insurance, certified as provided in Section 19 or Section 20 as proof of financial responsibility, and issued, except as otherwise provided in Section 20, by an insurance company duly authorized to write motor vehicle liability insurance in this State, to or for the benefit of the person named therein as insured.

(b) Such owner's policy of liability insurance:

1. shall designate by explicit description or by appropriate reference all motor vehicles with respect to which coverage is thereby to be granted; and

2. shall pay on behalf of the insured named therein and any other person, as insured, using any such motor vehicle or motor vehicles with

the express or implied permission of such named insured, all sums which the insured shall become legally obligated to pay as damages arising out of the ownership, maintenance or use of such motor vehicle or motor vehicles within the United States of America or the Dominion of Canada, subject to limits exclusive of interest and costs, with respect to each such motor vehicle, as follows: \$5,000 because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, \$10,000 because of bodily injury to or death of two or more persons in any one accident, and \$5,000 because of injury to or destruction of property of others in any one accident.

(c) Such operator's policy of liability insurance shall pay on behalf of the insured named therein all sums which the insured shall become legally obligated to pay as damages arising out of the use by him of any motor vehicle not owned by him, within the same territorial limits and subject to the same limits of liability as are set forth above with respect to an owner's policy of liability insurance.

(d) Such motor vehicle liability policy shall state the name and address of the named insured, the coverage afforded by the policy, the premium charged therefor, the policy period and the limits of liability, and shall contain an agreement or be endorsed that insurance is provided thereunder in accordance with the coverage defined in this Act as respects bodily injury and death or property damage, or both, and is subject to all the provisions of this Act.

(e) Such motor vehicle liability policy shall not insure:

1. any obligation for which the insured or any company as his insurer may be held liable under any workmen's compensation law;

2. any liability on account of bodily injury to or death of any employee of the insured while engaged in the employment, other than domestic, of the insured, or in domestic employment if benefits therefor are either payable or required to be provided under any workmen's compensation law; nor

3. any liability because of injury to or destruction of property owned by, rented to, in charge of or transported by the insured.

(f) Every motor vehicle liability policy shall be subject to the following provisions which need not be contained therein:

1. the liability of the insurance

company with respect to the insurance required by this Act shall become absolute whenever injury or damage covered by said motor vehicle liability policy occurs; said policy may not be canceled or annulled as to such liability by any agreement between the insurance company and the insured after the occurrence of the injury or damage; no statement made by the insured or on his behalf and no violation of said policy shall defeat or void said policy;

2. the satisfaction by the insured of a judgment for such injury or damage shall not be a condition precedent to the right or duty of the insurance company to make payment on account of such injury or damage;

3. the insurance company shall have the right to settle any claim covered by the policy, and if such settlement is made in good faith, the amount thereof shall be deductible from the limits of liability specified in Subdivision 2 of Subsection (b) of this Section;

4. the policy, the written application therefor, if any, and any rider or endorsement which does not conflict with the provisions of the Act shall constitute the entire contract between the parties.

(g) Any policy which grants the coverage required for a motor vehicle liability policy may also grant any lawful coverage in excess of or in addition to the coverage specified for a motor vehicle liability policy and such excess or additional coverage shall not be subject to the provisions of this Act. With respect to a policy which grants such excess or additional coverage the term "motor vehicle liability policy" shall apply only to that part of the coverage which is required by this Section.

(h) Any motor vehicle liability policy may provide that the insured shall reimburse the insurance company for any payment the insurance company would not have been obligated to make under the terms of the policy except for the provisions of this Act.

(i) Any motor vehicle liability policy may provide for the prorating of the insurance thereunder with other valid and collectible insurance.

(j) The requirements for a motor vehicle liability policy may be fulfilled by the policies of one or more insurance companies which policies together meet such requirements.

(k) Any binder issued pending the

issuance of a motor vehicle liability policy shall be deemed to fulfill the requirements for such a policy.

Section 22. Notice of Cancellation or Termination of Certified Policy.

When an insurance company has certified a motor vehicle liability policy under Section 19 or a policy under Section 20, the insurance so certified shall not be canceled or terminated until at least 5 days after a notice of cancellation or termination of the insurance so certified shall be received in the office of the Department, except that such policy subsequently procured and certified shall, on the effective date of its certification, terminate the insurance previously certified with respect to any motor vehicle designated in both certificates.

Section 23. Act Not To Affect Other Policies.

(a) This Act shall not be held to apply to or affect policies of motor vehicle insurance against liability which may now or hereafter be required by any other law of this State, and such policies, if they contain an agreement or are endorsed to conform to the requirements of this Act, may be certified as proof of financial responsibility under this Act.

(b) This Act shall not be held to apply to or affect policies insuring solely the insured named in the policy against liability resulting from the maintenance or use by persons in the insured's employ or on his behalf of motor vehicles not owned by the insured.

Section 24. Bond as Proof.

(a) Proof of financial responsibility may be furnished by filing a bond with the Department, accompanied by the statutory recording fee of the County Clerk to cover the cost of recordation of the notice provided for herein, and with at least two individual sureties each owning real estate within this State, not exempt under the Constitution or laws of the State of Texas, and together having equities equal in value to at least twice the amount of such bond. Such real estate shall be scheduled in the bond approved by a judge of a court of record, and shall be certified by the tax assessor and collector of the county where the property is situated as being free from any tax liens. Such bond shall be conditioned for payments in amounts and under the same circumstances as would be required in a motor vehicle liability policy, and shall not be cancellable except after 5 days' written notice is

received by the Department, but cancellation shall not prevent recovery with respect to any right or cause of action arising prior to the date of cancellation. Such bond shall constitute a lien in favor of the State upon the real estate so scheduled of any surety, which lien shall exist in favor of any holder of a final judgment against the person who has filed such bond. Notice to that effect, which shall include a description of the real estate scheduled in the bond, shall be filed by the Department in the office of the County Clerk of the county where such real estate is situated. Such notice shall be accompanied by the statutory fee for the services of the County Clerk in connection with the recordation of such notice, and the County Clerk or his deputy, upon receipt of such notice, shall acknowledge and cause the same to be recorded in the lien records. Recordation shall constitute notice as provided by the statutes governing the recordation of liens on real estate.

(b) If a judgment, rendered against the principal on such real estate bond, shall not be satisfied within 60 days after it has become final, the judgment creditor may, for his own use and benefit and at his sole expense, bring an action or actions in the name of the State against the persons who executed such bond, including an action or proceeding to foreclose any lien that may exist upon the real estate of a person who has executed such bond, which foreclosure action shall be brought in like manner and subject to all the provisions of law applicable to an action to foreclose a mortgage on real estate.

Section 25. Money or Securities as Proof.

(a) Proof of financial responsibility may be evidenced by the certificate of the State Treasurer that the person named therein has deposited with him \$15,000 in cash, or securities such as may legally be purchased by savings banks or for trust funds of a market value of \$15,000. The State Treasurer shall not accept any such deposit and issue a certificate therefor and the Department shall not accept such certificate unless accompanied by evidence that there are no unsatisfied judgments of any character against the depositor in the county where the depositor resides.

(b) Such deposit shall be held by the State Treasurer to satisfy, in accordance with the provisions of this Act, any execution on a judgment is-

sued against such person making the deposit, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, resulting from the ownership, maintenance, use or operation of a motor vehicle after such deposit was made. Money or securities so deposited shall not be subject to attachment or execution unless such attachment or execution shall arise out of a suit for damages as aforesaid.

Section 26. Owner May Give Proof for Others.

Whenever any person required to give proof of financial responsibility hereunder is or later becomes an operator in the employ of any owner, or is or later becomes a member of the immediate family or household of the owner, the Department shall accept proof given by such owner in lieu of proof by such other person to permit such other person to operate a motor vehicle for which the owner has given proof as herein provided. The Department shall designate the restrictions imposed by this Section on the face of such person's license.

Section 27. Substitution of Proof.

The Department shall consent to the cancellation of any bond or certificate of insurance or the Department shall direct and the State Treasurer shall return any money or securities to the person entitled thereto upon the substitution and acceptance of other adequate proof of financial responsibility pursuant to this Act.

Section 28. Other Proof May Be Required.

Whenever any proof of financial responsibility filed under the provisions of this Act no longer fulfills the purposes for which required, the Department shall for the purpose of this Act, require other proof as required by this Act and shall suspend the license and registration or the non-resident's operating privilege pending the filing of such other proof.

Section 29. Duration of Proof—When Proof May Be Cancelled or Returned.

The Department shall upon request consent to the immediate cancellation of any bond or certificate of insurance, or the Department shall direct and the State Treasurer shall return to the person entitled thereto any money or securities deposited pur-

suant to this Act as proof of financial responsibility, or the Department shall waive the requirement of filing proof, in any of the following events:

1. At any time after three years from the date such proof was required when, during the three-year period preceding the request, the Department has not received record of a conviction or a forfeiture of bail which would require or permit the suspension or revocation of the license, registration or non-resident's operating privilege of the person by or for whom such proof was furnished; or

2. In the event of the death of the person on whose behalf such proof was filed or the permanent incapacity of such person to operate a motor vehicle; or

3. In the event the person who has given proof surrenders his license and registration to the Department;

Provided, however, that the Department shall not consent to the cancellation of any bond or the return of any money or securities in the event any action for damages upon a liability covered by such proof is then pending or any judgment upon any such liability is then unsatisfied, or in the event the person who has filed such bond or deposited such money or securities has, within one year immediately preceding such request, been involved as an operator or owner in any motor vehicle accident resulting in injury or damage to the person or property of others. An affidavit of the applicant as to the non-existence of such facts, or that he has been released from all of his liability, or has been finally adjudicated not to be liable, for such injury or damage, shall be sufficient evidence thereof in the absence of evidence to the contrary in the records of the Department.

Whenever any person whose proof has been cancelled or returned under Subdivision 3 of this Section applies for a license or registration within a period of three years from the date proof was originally required, any such application shall be refused unless the applicant shall re-establish such proof for the remainder of such three-year period.

ARTICLE V.

VIOLATION OF PROVISIONS OF ACT—PENALTIES

Section 30. Transfer of Registration To Defeat Purpose of Act Prohibited.

If an owner's registration has been

suspended hereunder, such registration shall not be transferred nor the motor vehicle in respect of which such registration was issued registered in any other name until the Department is satisfied that such transfer of registration is proposed in good faith and not for the purpose or with the effect of defeating the purposes of this Act. Nothing in this Section shall in any wise affect the rights of any conditional vendor, chattel mortgagee or lessor of a motor vehicle registered in the name of another as owner who becomes subject to the provisions of this Section.

Section 31. Surrender of License and Registration.

Any person whose license or registration shall have been suspended as herein provided, or whose policy of insurance or bond, when required under this Act, shall have been cancelled or terminated, or who shall neglect to furnish other proof upon request of the Department shall immediately return his license and registration to the Department. If any person shall fail to return to the Department the license or registration as provided herein, the Department shall forthwith direct any peace officer to secure possession thereof and to return the same to the Department.

Section 32. Other Violations—Penalties.

(a) Failure to report an accident as required in Section 4 shall be punished by a fine not in excess of \$25, and in the event of injury or damage to the person or property of another in such accident, the Department shall suspend the license of the person failing to make such report, or the non-resident's operating privilege of such person, until such report has been filed and for such further period not to exceed 30 days as the Department may fix.

(b) Any person who gives information required in a report or otherwise as provided for in Section 4, knowing or having reason to believe that such information is false, or who shall forge or, without authority, sign any evidence of proof of financial responsibility, or who files or offers for filing any such evidence of proof knowing or having reason to believe that it is forged or signed without authority, shall be fined not more than \$1,000 or imprisoned for not more than one year, or both.

(c) Any person whose license or registration or non-resident's operat-

ing privilege has been suspended or revoked under this Act and who, during such suspension or revocation drives any motor vehicle upon any highway or knowingly permits any motor vehicle owned by such person to be operated by another upon any highway, except as permitted under this Act, shall be fined not more than \$500 or imprisoned not exceeding 6 months, or both.

(d) Any person willfully failing to return license or registration as required in Section 31 shall be fined not more than \$500 or imprisoned not to exceed 30 days, or both.

(e) Any person who shall violate any provision of this Act for which no penalty is otherwise provided shall be fined not more than \$500 or imprisoned not more than 90 days, or both.

ARTICLE VI.

GENERAL PROVISIONS

Section 33. Exceptions.

This Act shall not apply with respect to any motor vehicle owned by the United States, the State of Texas or any political subdivision of this State or any municipality therein; nor, except for Sections 4 and 26 of this Act, with respect to any motor vehicle which is subject to the requirements of Articles 911a (Sec. 11) and 911b (Sec. 13) of Texas Revised Civil Statutes.

Section 34. Self-Insurers.

(a) Any person in whose name more than 25 motor vehicles are registered may qualify as a self-insurer by obtaining a certificate of self-insurance issued by the Department as provided in Subsection (b) of this Section.

(b) The Department may, in its discretion, upon the application of such a person, issue a certificate of self-insurance when it is satisfied with such person is possessed and will continue to be possessed of ability to pay judgments obtained against such person.

(c) Upon not less than 5 days' notice and a hearing pursuant to such notice, the Department may upon reasonable grounds cancel a certificate of self-insurance. Failure to pay any judgment within 30 days after such judgment shall have become final shall constitute a reasonable ground for the cancellation of a certificate of self-insurance.

Section 35. Assigned Risk Plan.

Subject to the provisions of Section 9 of Article 4682b of Texas Re-

vised Civil Statutes, insurance companies authorized to issue motor vehicle liability policies in this State may establish an administrative agency and make necessary reasonable rules in connection therewith, relative to the formation of a plan and procedure to provide a means by which insurance may be assigned to an authorized insurance company for a person required by this Act to show proof of financial responsibility for the future and who is in good faith entitled to motor vehicle liability insurance in this State but is unable to secure it through ordinary methods; and may establish a plan and procedure for the equitable apportionment among such authorized companies of applicants for such policies and for motor vehicle liability policies, including, but not limited to, voluntary agreements by insurance companies to accept such assignments. When any such plan has been approved by the Board of Insurance Commissioners, all insurance companies authorized to issue motor vehicle liability policies in the State of Texas shall subscribe thereto and participate therein.

The Board of Insurance Commissioners, in addition to the provision prescribed by Article 4682b, may determine, fix, prescribe, promulgate, change, and amend rates or minimum premiums normally applicable to a risk so as to apply to any and every assignment such rates and minimum premiums as are commensurate with the greater hazard of the risk, considering in connection therewith the experience, physical or other conditions of such risk of the person applying for insurance under any such plan.

Section 36. Disposition of Fees.
All fees and charges required by this Act shall be remitted without deduction to the Department at Austin, Texas, and all such fees so collected shall be deposited in the Treasury of the State of Texas to the credit of the Operator's and Chauffeur's License Fund established under Article 6687b, Texas Revised Civil Statutes. In addition to statutory recording fees of county clerks required in Section 24, any filing with, certification or notice to the Department in compliance with any of the provisions of this Act, or request for certified abstract of operating record required in Section 3, except report of accident required in Section 4, shall be accompanied by a fee of \$5.00 for each transaction. Statutory fees required by the State Highway Department in

furnishing certified abstracts or in connection with suspension of registrations, or such statutory fees which shall become due the State Treasurer for issuance of certificates of deposits required in Section 25, shall be remitted from such Fund.

Section 37. Appropriation.

There is hereby appropriated out of the Operator's and Chauffeur's License Fund such money as may be necessary for the purpose of defraying the expenses of this Act through the biennium ending August 31, 1953, not to exceed the sum of \$300,000 for the fiscal year ending August 31, 1952, and not to exceed the sum of \$200,000 for the fiscal year ending August 31, 1953. So much money as is necessary to administer this Act shall be used for the employment of necessary clerical and administrative help and for defraying the necessary expenses incident to travel, rental and any judicial hearings relative to court review, and including printing of all necessary forms required by this Act, and including the purchase through bids taken by the Board of Control of all necessary furniture, fixtures and equipment of any nature; provided the number of employees and the salaries of each shall be consistent with the number of employees and the salaries of each as fixed by the Legislature in the Biennial Departmental Appropriation Bill for like service.

Section 38. Method of Disbursements.

All disbursements made hereunder to the Department shall be by warrant issued by the Comptroller upon vouchers drawn by the Chairman of the Department of Public Safety Commission or the Director, and such vouchers shall be accompanied by itemized sworn statements of the expenditures for which they are issued.

Section 39. Act Supplemental to Motor Vehicle Laws.

This Act shall in no respect be considered as a repeal of the motor vehicle laws of this State but shall be construed as supplemental thereto.

Section 40. Past Application of Act.

This Act shall not apply with respect to any accident, or judgment arising therefrom, or violation of the motor vehicle laws of this State, occurring prior to the effective date of this Act.

Section 41. Act Not To Prevent Other Process.

Nothing in this Act shall be construed as preventing the plaintiff in

any action at law from relying for relief upon the other processes provided by law.

Section 42. Constitutionality.

If any part or parts of this Act shall be held unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this Act. The Legislature hereby declares that it would have passed the remaining parts of this Act if it had known that such part or parts thereof would be declared unconstitutional.

Section 43. Short Title of Act.

This Act may be cited as the Texas Motor Vehicle Safety-Responsibility Act.

Section 44. Effective Date of Act.

This Act shall take effect the first day of September, 1951.

Section 45. Emergency Clause.

The fact that thousands of motor vehicles are being operated on the highways of Texas by financially irresponsible owners and drivers who are causing untold loss of life and property and who are failing to pay for the damages thus caused, and the further fact that it is the intent and purpose of this Act to provide a means of protecting the conscientious and thoughtful motorist, thereby benefiting all the citizens of this State, constitutes an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House, and the Constitutional Rule requiring bills to go into effect ninety (90) days from and after their passage, be and the same are hereby suspended, and this Act shall take effect and be in force in accordance with the terms and provisions thereof, and it is so enacted.

The committee amendment was adopted.

Senator Shofner offered the following committee amendment to the bill:

(2)

Amend H. B. 219 by striking out all above the enacting clause and inserting in lieu thereof the following:

H. B. No. 219, A bill to be entitled "An Act to encourage safer use of motor vehicles on the streets and highways of Texas and to deny the privilege of driving to reckless and financially irresponsible persons by requiring security of owners and operators of motor vehicles following ac-

cidents and by providing for proof of financial responsibility for the future; defining certain words and phrases; requiring the Department of Public Safety of Texas to administer this Act and providing for court review; requiring the Department to furnish operating records; requiring reports of accidents; security required following accidents unless evidence of insurance, when security determined and providing for suspension of licenses and registrations under certain conditions and providing for exceptions; additional exceptions to requirement of security; duration of suspension; application to non-residents, unlicensed drivers, unregistered motor vehicles and accidents in other states; fixing form and amount of security; providing for custody, disposition and return of security; citing matters not to be evidence in civil suits; and requiring courts to report non-payment of judgments and convictions; providing for suspension of license and registration for non-payment of judgments; rendering suspension of license and registration effective until judgments paid and proof given, and satisfying requirements when payment sufficient; providing for installment payment of judgments and requiring suspension of license and registration if in default; requiring proof upon certain convictions; and providing for alternate methods of giving proof; permitting the filing of certificate of insurance as proof; and permitting certificate of insurance as proof to be furnished by non-residents; defining motor vehicle liability policy and setting forth certain requirements and restrictions upon said policy; providing for notice of cancellation or termination of certified policy; and providing this Act shall not affect other policies; requiring the filing of a bond as proof and setting forth certain requirements and exceptions in regard to such bond; permitting money or securities deposited to be used as proof of financial responsibility; permitting owner to give proof for others; providing for substitution of proof; and requiring the filing of other proof as required by this Act; fixing the duration of proof; and permitting the Department to consent to cancellation or return of money or securities subject to requirements and restrictions herein named; providing penalties for violations of the provisions of this Act; prohibit-

ing transfer of registration to defeat purpose of this Act; requiring surrender of license and registration; fixing penalties for driving motor vehicle while operating privilege is suspended or revoked, failure to return license or registration, forging evidence of proof or for violating any provision of this Act for which no penalty is provided; and providing for exceptions to the general provisions of this Act; providing for self-insurers; authorizing insurance companies to establish an assigned risk plan; providing for disposition of fees; making an appropriation for the administration of this Act and providing for method of disbursement; providing this Act shall be supplemental to the motor vehicle laws of this State; prohibiting application of this Act to any accident occurring prior to its effective date; and providing Act shall not prevent other processes provided by law; providing a saving clause; providing a short title for this Act; providing effective date of this Act; and declaring an emergency."

The committee amendment was adopted.

Senator Shofner offered the following committee amendment to the bill:

Amend committee amendment No. 1 to H. B. 219 by striking out Section 44 and substituting in lieu thereof the following:

"This Act shall take effect the first day of January, 1952."

The committee amendment was adopted.

Senator Shofner offered the following committee amendment to the bill:

Amend committee amendment No. 1 to H. B. 219 by changing the period at the end of Section 33 to a semicolon and adding the following:

"provided however, that nothing in this Act shall be construed so as to exclude from this Act its applicability to taxicabs, jitneys or other vehicles for hire operating under franchise or permit of any incorporated city."

The committee amendment was adopted.

Senator Shofner offered the following amendment to the bill:

Amend H. B. No. 219, Art. II, Sec.

2, sub-section (b) by striking out all of the first sentence and substitute in lieu thereof the following:

"(b) Any order or act of the Department, under the provisions of this Act, may be subject to review within ten days after notice thereof, by appeal to the County Court at Law at the instance of any party in interest and in the county wherein the person aggrieved by such order or act resides, or if there be no County Court at Law therein, then in the County Court of said county, or if there be no County Court having jurisdiction, then such jurisdiction shall be in the District Court of said county, and such court is hereby vested with jurisdiction, and such appeal shall be by trial de novo."

The amendment was adopted.

Senator Shofner offered the following amendment to the bill:

Amend H. B. 219, Art. III, Sec. 4, line 45, page 3, by adding a new sentence reading as follows immediately after the sentence ending with the words "this Act.":

"Any written report of accident in accordance with Art. 6701d, Sec. 44, Texas Revised Civil Statutes, if actually made to the Department, shall be sufficient provided it also contains the information required herein."

The amendment was adopted.

On motion of Senator Shofner and by unanimous consent, the caption was amended to conform to the body of the bill, as amended.

Senator Bracewell offered the following amendment to the bill:

Amend H. B. 219, Section 34, sub-section (b), by striking out the word "such" on line 48 of the printed copy.

The amendment was adopted.

The bill, as amended, was passed to third reading by the following vote:

Yeas—20

Bracewell	Kelley of Hidalgo
Bullock	Kelly of Tarrant
Carney	Lane
Carter	Moffett
Corbin	Moore
Fuller	Parkhouse
Hazlewood	Phillips
Hudson	Shofner

Strauss	Vick
Tynan	Weinert

Nays—10

Aikin	Lock
Ashley	Martin
Bell	McDonald
Colson	Russell
Hardeman	Wagonseller

Absent—Excused

Nokes

Motion to Place House Bill 219 on Third Reading

Senator Shofner moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 219 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving four-fifths vote of the Members present):

Yeas—21

Bell	Lane
Bracewell	Moffett
Bullock	Moore
Carney	Parkhouse
Carter	Phillips
Corbin	Shofner
Fuller	Strauss
Hazlewood	Tynan
Hudson	Vick
Kelley of Hidalgo	Weinert
Kelly of Tarrant	

Nays—9

Aikin	Martin
Ashley	McDonald
Colson	Russell
Hardeman	Wagonseller
Lock	

Absent—Excused

Nokes

Senate Bill 474 on First Reading

Senator Bullock moved that Senate Rules 114 and 12 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—29

Aikin	Bracewell
Ashley	Bullock
Bell	Carney

Carter	Moffett
Colson	Moore
Corbin	Parkhouse
Fuller	Phillips
Hazlewood	Russell
Hudson	Shofner
Kelley of Hidalgo	Strauss
Kelly of Tarrant	Tynan
Lane	Vick
Lock	Wagonseller
Martin	Weinert
McDonald	

Nays—1

Hardeman

Absent—Excused

Nokes

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Bullock:

S. B. No. 474, A bill to be entitled "An Act providing that in the issuance of revenue bonds for improving, enlarging and extending a waterworks system, cities may issue such bonds in two series, one of which shall be payable from and secured by a pledge of all or part of the proceeds of a water supply contract and the other to be secured by and payable from the net revenues of the waterworks system or the waterworks and sewer systems other than the proceeds of such contract; providing that any city which heretofore has held an election resulting favorably to the issuance of revenue bonds for said purposes and has entered into a contract for the sale of water may issue the bonds in two series as herein authorized, and validating such water supply contracts; requiring approval by the Attorney General and registration by the Comptroller and prescribing the effect thereof; and declaring an emergency."

To Committee on Water Rights, Irrigation and Drainage.

Motion to Introduce a Senate Concurrent Resolution

Senator Kelly of Tarrant moved to suspend Senate Rules 114 and 12 and Section 5, of Article III of the State Constitution to permit his introducing a resolution, the provisions of which he explained.

The motion was lost by the following vote (not receiving four-fifths vote of the Members of the Senate):

Yeas—24

Aikin	McDonald
Bell	Moffett
Bracewell	Moore
Bullock	Parkhouse
Carney	Phillips
Carter	Russell
Colson	Shofner
Corbin	Strauss
Fuller	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Wagonseller
Lane	Weinert

Nays—3

Hardeman	Martin
Hudson	

Absent

Ashley	Lock
Hazlewood	

Absent—Excused

Nokes

Motion to Place Senate Bill 92 on Second Reading

Senator Carney asked unanimous consent to suspend the regular order of business and that S. B. No. 92 be laid out for consideration at this time.

There was objection.

Senator Carney then moved to suspend the regular order of business and that S. B. No. 92 be laid out for consideration at this time.

The motion was lost by the following vote:

Yeas—13

Bullock	Moffett
Carney	Parkhouse
Colson	Phillips
Corbin	Shofner
Fuller	Strauss
Kelley of Hidalgo	Wagonseller
Kelly of Tarrant	

Nays—14

Aikin	Lock
Bell	Martin
Bracewell	McDonald
Carter	Russell
Hardeman	Tynan
Hudson	Vick
Lane	Weinert

Absent

Ashley	Moore
Hazlewood	

Absent—Excused

Nokes

Senate Concurrent Resolution 76

On motion of Senator Tynan and by unanimous consent, the following resolution was introduced at this time:

S. C. R. No. 76, Recalling S. B. No. 453 from the Governor for further consideration.

Be it resolved by the Senate of Texas, the House of Representatives concurring, that the Governor be requested to return Senate Bill No. 453 to the Senate for further consideration.

TYNAN
BULLOCK

The resolution was read.

On motion of Senator Tynan and by unanimous consent, the resolution was considered immediately and was adopted.

Report of Standing Committee

By unanimous consent, Senator Kelley of Hidalgo submitted the following committee report at this time:

Austin, Texas,
June 5, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water Rights, Irrigation and Drainage, to whom was referred S. B. No. 474, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KELLEY of Hidalgo, Chairman

Bills and Resolutions Signed

The President signed in the presence of the Senate, after the captions had been read, the following enrolled bills and resolutions:

H. B. No. 627, A bill to be entitled "An Act amending Section 3 of Chapter 130, Acts of the Forty-fifth Legislature, Regular Session, 1939, providing for the time of collecting taxes in Junior College Districts whose boundaries are not coterminous with an Independent School District; providing for the repeal of all laws in conflict herewith to the extent of

such conflict; providing savings and severability clauses; and declaring an emergency."

H. B. No. 615, A bill to be entitled "An Act regulating the taking and selling of minnows in Bastrop County, etc., and declaring an emergency."

H. B. No. 629, A bill to be entitled "An Act to authorize the Texas Highway Department to enter into written agreements with owners of lands adjoining or abutting lands obtained by the State for the construction or improvement of highways, etc., and declaring an emergency."

H. B. No. 371, A bill to be entitled "An Act regulating the discharge of inmates of State Hospitals, etc.; and declaring an emergency."

H. B. No. 382, A bill to be entitled "An Act providing for the deportation of aliens; providing for authorization for the Board of Texas State Hospitals and Special Schools to enter into reciprocal agreements with other States; providing for a determination of residence; providing for the payment of the expense of return of non-residents; and declaring an emergency."

H. B. No. 796, A bill to be entitled "An Act providing for traveling expenses to be paid sheriffs and their deputies in certain counties; and declaring an emergency."

H. B. No. 779, A bill to be entitled "An Act providing that the Judges of the County Courts of Law numbers one and two of Bexar County, Texas, shall receive an annual salary of \$8,250.00, etc.; and declaring an emergency."

H. B. No. 658, A bill to be entitled "An Act providing for the execution of an agreement by the State of Texas to enter into a compact with any of the United States for mutual helpfulness in relation to persons convicted of crime or offenses, who may be on probation or parole and declaring an emergency."

H. B. No. 659, A bill to be entitled "An Act to secure the attendance of witnesses from without the State in criminal proceedings; and declaring an emergency."

H. B. No. 454, A bill to be entitled "An Act amending Article 7084 of the Revised Civil Statutes of Texas,

1925, as amended, by adding a new paragraph thereto to be known as paragraph (6); authorizing the Secretary of State, with the approval of the Attorney General and the State Auditor, to credit overpayments of franchise taxes on franchise taxes for the following year; defining the term, overpayment of franchise taxes; and declaring an emergency."

H. B. No. 417, A bill to be entitled "An Act amending Article 3376 of the Revised Civil Statutes of Texas, 1925, so as to prescribe the method of service of citation in connection with temporary administrators; validating service of all citations heretofore served and all sales of property by administrators originally appointed as temporary administrators; and declaring an emergency."

H. B. No. 804, A bill to be entitled "An Act authorizing the appointment of an Assistant District Attorney and stenographer and providing salaries therefor for the 27th Judicial District; and declaring an emergency."

H. B. No. 283, A bill to be entitled "An Act to amend Article XIV of Senate Bill 172, Chapter 421, Acts of the Fiftieth Legislature, 1947, to require additional safety equipment on certain vehicles operated upon the highways of this State; providing for repeal of all laws or parts of laws in conflict with this Act to the extent of such conflict, with certain exceptions; and declaring an emergency."

H. B. No. 497, A bill to be entitled "An Act making a supplemental appropriation for the Fire Insurance Division of the Board of Insurance Commissioners, and declaring an emergency."

H. C. R. No. 69, Directing the Texas Legislative Council to study the tax structure of this State.

H. C. R. No. 129, Granting four (4) days leave during the Christmas Holiday Season to employees of the State Hospital System as provided for other State employees.

H. C. R. No. 127, Granting permission to Almeda Hardin to sue the State.

H. C. R. No. 110, Granting various corporations permission to sue the State of Texas.

Message from the Governor

The following message received from the Governor was read and was referred to the committee on Nominations of the Governor:

Austin, Texas,
June 5, 1951.

To the Senate of the Fifty-second Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be members of the State Board of Vocational Nurse Examiners:

Hospital Administrators — Mrs. Josie Roberts of Houston, Harris County, for term to expire in 1955; C. J. Hollingsworth of Lubbock, Lubbock County, for term to expire in 1953;

Medical Doctors—Dr. R. D. Holt, Jr., of Meridian, Bosque County, for term to expire in 1957; Dr. G. E. Brereton of Dallas, Dallas County, for term to expire in 1955;

Registered Nurses—Sister Eugenia of Austin, Travis County, for term to expire in 1957; Miss Laura Cole of Temple, Bell County, for term to expire in 1953;

Vocational Nurses—Mrs. Frances Allen McCoulskey of San Angelo, Tom Green County, for term to expire in 1955; Mrs. Lena Weber of Taylor, Williamson County, for term to expire in 1957; Miss Marie Dillon of El Paso, El Paso County, for term to expire in 1953.

Respectfully submitted,

ALLAN SHIVERS,

Governor of Texas.

Senate Bill 377 with House Amendments

Senator Bell called S. B. No. 377 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Bell moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lane
Bell	Lock
Bracewell	Martin
Bullock	McDonald
Carney	Moffett
Carter	Moore
Colson	Parkhouse
Corbin	Phillips
Fuller	Russell
Hardeman	Shofner
Hazlewood	Strauss
Hudson	Tynan
Kelley of Hidalgo	Wagonseller
Kelly of Tarrant	Weinert

Absent

Ashley Vick

Absent—Excused

Nokes

Adjournment

On motion of Senator Hardeman, the Senate at 12:43 o'clock p. m. adjourned until 10:30 o'clock a. m. tomorrow.

In Memory of

Mrs. Francis L. Pitillo

Senator Vick offered the following resolution:

(Senate Resolution 299)

Whereas, On the 17th day of April, 1951, God, in His infinite wisdom, did call from her earthly labors to her eternal reward Mrs. Francis L. Pitillo of Waco, Texas; and

Whereas, Mrs. Pitillo was a dearly beloved member of her community for over half a century and was the wife of one of Texas' most esteemed citizens, F. L. Pitillo, one of the publishers of the Waco Farm and Labor Journal; and

Whereas, Mrs. Pitillo was a most active and highly esteemed member of her community, was an active member of the Austin Avenue Methodist Church of Waco, Texas, and a leader in the Order of the Eastern Star; and

Whereas, During her lifetime Mrs. Pitillo established a permanent place for herself in the hearts of those who lived and worked with her, and her contributions to both community and State shall ever keep her memory alive; now, therefore, be it

Resolved, By the Senate of the State of Texas, that we do here and now pay tribute to the memory of this good and righteous Christian woman and that we extend our most sincere sympathy to her husband, Francis L. Pitillo of Waco, Texas; her daughter, Mrs. Christie Pitillo Lester of Austin, Texas; her brother, Mr. W. A. Hays of Houston, Texas; her sister, Mrs. Beatrice Dickson of Waco, Texas; her mother and father-in-law, Mr. and Mrs. J. M. Pitillo of Waco, Texas; and other members of her family in their bereavement; that a copy of this Resolution be spread upon the Journal of the Senate; that copies of this Resolution be sent to surviving members of the family; and that when the Senate stands adjourned today, it do so in respect to the memory of this noble Christian lady, Mrs. Francis L. Pitillo.

VICK

The resolution was read and was adopted by a rising vote of the Senate.